

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

John Doe HM, an individual,

PLAINTIFF

VS.

City of Creve Coeur, et al.

DEFENDANTS

Case No. 4:07CV00946 ERW

**PLAINTIFF'S MOTION FOR PROTECTIVE ORDER TO TERMINATE DEPOSITION
OR ALLOW NO MORE THAN ADDITIONAL 1 ½ HOUR**

COMES NOW plaintiff, John Doe HM and hereby moves the Honorable Court to issue a protective order in this matter. As grounds for this Motion, Plaintiff states as follows:

1. Pursuant to the Case Management Order and local rules, parties are accorded seven (7) hours on the record for deposition. In this matter and according to the court reporter's evaluation Plaintiff John Doe HM was deposed on Thursday and Friday, February 19 and 20 for a total of 8 hours and 20 minutes on the record, excluding breaks and lunch. Plaintiff has attempted to be reasonable with regard to the time spent in deposition, and in that light, has offered defendants another one and half (1 ½) hours of deposition time for them to complete their examination of Plaintiff.
2. All counsel agree that breaks have been minimal – ranging from 3 minutes for consultation to 47 minutes for lunch – and that Plaintiff has been cooperative, has

answered questions in an expeditious manner and has engaged in no actions that would impede the discovery process in any manner.

3. Defendants have refused the offer of plaintiff and have instead asked for an additional six hours of deposition. It should be noted that the incident in question took less time than the deposition has taken to this point!
4. Plaintiff seeks protection from this Court for the undue burden and harassment that will occur if he is required to submit to additional questioning in this matter.
5. Additionally, Defense counsel has requested that Plaintiff provide information concerning the prior sexual abuse matter that was sealed by the trial court, including information regarding pleadings, any resolution of the matter and other issues that are sealed, subject to a protective order and subject to confidentiality provisions.
6. Plaintiff cannot provide this information without violating these confidentiality provisions. However, Plaintiff is willing to allow the court to review *in camera* the relevant documents to make an appropriate ruling with regard to this matter.
7. As this matter is already subject to a protective order and the defendants are overreaching in this regard, Plaintiff seeks attorney's fees in the amount of \$1,250.00 for being required to file this motion.

WHEREFORE Plaintiff respectfully requests a the Court to enter a Protective Order that limits the deposition of plaintiff and that defendant refrain from asking questions in deposition and / or in discovery regarding the prior sexual abuse case. In the alternative, Plaintiff requests the Honorable Court to review the relevant protective order, order to seal and other documents concerning potential resolution of the sexual abuse matter *in camera*

and make an appropriately limited order concerning the defendant's rights to inquire into these matters.

/s/ Rebecca M. Randles
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that this 25 day of February, 2009, a true and correct copy of the above and foregoing sent via ECF to the following individuals:

Lorena V. Merklin von Kaenel
Assistant County Counselor
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/s/ Rebecca M. Randles
Plaintiff's Attorney